

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE CENTER FOR INVESTIGATIVE
REPORTING, LANCE WILLIAMS,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF
INTERIOR,

Defendant.

CASE NO. 20-CV-04427 JCS
**STIPULATION OF SETTLEMENT AND
DISMISSAL WITH PREJUDICE;**

[PROPOSED] ORDER

IT IS HEREBY STIPULATED by and between the undersigned Plaintiffs and Defendant, by and through their respective attorneys, as follows:

1. Defendant shall pay \$4,675 (four thousand six hundred and seventy five dollars and zero cents) to Plaintiffs in full and complete satisfaction of Plaintiffs' claims for attorneys' fees, costs, and litigation expenses under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, in the above-captioned matter. This payment shall constitute full and final satisfaction of any and all of Plaintiffs' claims for attorneys' fees, costs, and litigation expenses in the above-captioned matter, and is inclusive of any interest. Payment of this money will be made by electronic funds transfer or check promptly after notification of the Court's entry of this Stipulation and after receipt of necessary

1 information from Plaintiffs in order to effectuate the payment. Defendant will make all reasonable
2 efforts to make payment within (45) days of the date that Plaintiffs' counsel provides the necessary
3 information for the electronic funds transfer and this Stipulation is approved by the Court, whichever is
4 later, but cannot guarantee payment within that time frame.

5 2. Upon the execution of this Stipulation, Plaintiffs, having received the records it
6 requested, hereby releases and forever discharges Defendant, its successors, the United States of
7 America, and any department, agency, or establishment of the United States, and any officers,
8 employees, agents, successors, or assigns of such department, agency, or establishment, from any and all
9 claims and causes of action that Plaintiffs asserts or could have asserted in this litigation, or which
10 hereafter could be asserted by reason of, or with respect to, or in connection with, or which arise out of,
11 the specific FOIA requests on which this action is based, including but not limited to all past, present, or
12 future claims for attorneys' fees, costs, or litigation expenses in connection with the above-captioned
13 litigation.

14 3. The provisions of California Civil Code Section 1542 are set forth below:

15 “A general release does not extend to claims that the creditor or releasing party does not
16 know or suspect to exist in his or her favor at the time of executing the release and that, if
17 known by him or her, would have materially affected his or her settlement with the debtor or
released party.”

18 Plaintiffs having been apprised of the statutory language of Civil Code Section 1542 by
19 Plaintiffs' attorney, and fully understanding the same, nevertheless elects to waive the benefits of any
20 and all rights Plaintiffs may have pursuant to the provision of that statute and any similar provision of
21 federal law. Plaintiffs understands that, if the facts concerning any injuries, liability for damages
22 pertaining thereto, or liability for attorneys' fees, costs or litigation expenses are found hereafter to be
23 other than or different than the facts now believed by it to be true, this Stipulation shall be and remain
24 effective notwithstanding such material difference.

25 4. Execution of this Stipulation and its approval by the Court shall constitute dismissal of
26 this case with prejudice pursuant to Fed. R. Civ. P. 41(a).

27 5. The parties acknowledge that this Stipulation is entered into solely for the purpose of
28 settling and compromising any remaining claims in this action without further litigation, and it shall not

1 be construed as evidence or as an admission on the part of Defendant, the United States, its agents,
 2 servants, or employees regarding any issue of law or fact, or regarding the truth or validity of any
 3 allegation or claim raised in this action, or as evidence or as an admission by the Defendant regarding
 4 Plaintiffs' entitlement to attorneys' fees, costs, or other litigation expenses under FOIA. This
 5 Stipulation shall not be used in any manner to establish liability for fees or costs in any other case or
 6 proceeding involving Defendant.

7 6. This Stipulation is binding upon and inures to the benefit of the parties hereto and their
 8 respective successors and assigns.

9 7. If any provision of this Stipulation shall be held invalid, illegal, or unenforceable, the
 10 validity, legality, and enforceability of the remaining provisions shall not in any way be affected or
 11 impaired thereby.

12 8. This Stipulation shall constitute the entire agreement between the parties, and it is
 13 expressly understood and agreed that this Stipulation has been freely and voluntarily entered into by the
 14 parties hereto. The parties further acknowledge that no warranties or representations have been made on
 15 any subject other than as set forth in this Stipulation.

16 9. The persons signing this Stipulation warrant and represent that they possess full authority
 17 to bind the persons on whose behalf they are signing to the terms of the Stipulation.

18 10. This Stipulation may not be altered, modified or otherwise changed in any respect except
 19 in writing, duly executed by all of the parties or their authorized representatives.

20 11. It is contemplated that this Stipulation may be executed in several counterparts, with a
 21 separate signature page for each party. All such counterparts and signature pages, together, shall be
 22 deemed to be one document.

23 IT IS SO STIPULATED.

24 DATED: June 25, 2021

Respectfully submitted,

25 STEPHANIE M. HINDS
 26 Acting United States Attorney

27 /s/ Gioconda Molinari
 28 GIOCONDA R. MOLINARI
 Assistant United States Attorney

1 DATED: June 25, 2021

/s/ D. Victoria Baranetsky
D. Victoria Baranetsky
THE CENTER FOR INVESTIGATIVE
REPORTING

5 **CERTIFICATION**

6 Pursuant to Civil L.R. 5-1(i)(3), the undersigned hereby attests that D. Victoria Baranetsky has
7 concurred in the filing of this document.
8

9 **[PROPOSED] ORDER**

10 PURSUANT TO STIPULATION, IT IS SO ORDERED.
11

12
13 DATED: _____

JOSEPH C. SPERO
United States Magistrate Judge